

April 17, 2014 Conservation Commission Meeting minutes

Attending members: Myra Carlow, Virginia Gaberts, Thom Chiofalo, Prue Berry

Guests: Christine Levitre, Mark Stinson (MACC)

6:00 Myra calls the meeting to order.

Myra passes out 310 CMR Department of Environmental Protection 10.1 Introduction and Purpose sheets to refresh members understanding.

1) The review of Christine Levitre's request for a Determination of Applicability.

Myra and Bob Clancy's site visit on 4/12 showed a intermittent stream 60' to the West of the Barn to be Demolished and Disposed of. It is agreed that the materials will be moved along the dry eastern land up through the contractor James Williams land for disposal. The Board requests a straw bale fence to be established between the site and the stream.

6:32 with all information presented the meeting is closed.

2) 6:34 Virginia makes the motion for a Negative Determination on the WPA Form 2 and to check #3 with the straw fence stipulation. Thom seconds this and it passes unanimously and is signed. (see attached) C, Authorization is signed by all.

2) 6:40 Mark Stinson presents members with six packets of various updates.

Mark points out what may be an unregistered logging operation on Zoar Road. After the meetings is closed it is decided he, Virginia, Myra and Thom will check out the site.

6:50 Myra makes the motion to adjourn and Thom seconds it and it passes unanimously.

Minutes Approved: _____

Myra Bennett Carlow

Date: _____

5/13/14



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. General Information

important:
When filling out
forms on the
computer, use
only the tab
key to move
your cursor -
do not use the
return key.



From:

Town of Rowe
Conservation Commission

To: Applicant

Cristine Levitre
Name

P.O. Box 296
Mailing Address

Rowe MA 01367
City/Town State Zip Code

Property Owner (if different from applicant):

SAME

Mailing Address

City/Town Zip Code

1. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

Demolition & Disposal of a Barn

4/9/14

Title

Date

Title

Date

Title

Date

2. Date Request Filed:

4/9/14

B. Determination

Pursuant to the authority of M.G.L. c. 131, § 40, the Conservation Commission considered your Request for Determination of Applicability, with its supporting documentation, and made the following Determination.

Project Description (if applicable):

Demolition & disposal of a 23' x 28' barn. The barn is 1/2 down. The plan is to remove materials to the east--away from wetlands area--to dumpsters & hauled away for disposal. There are no hazardous materials. Materials consist of wood, galvanized roofing and contents of barn--some furniture, hay.

Project Location:

96 Ford Hill Road

Street Address

202

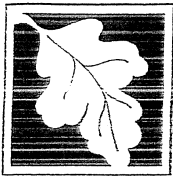
Assessors Map/Plat Number

Rowe

City/Town

69

Parcel/Lot Number



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B. Determination

The following plan(s) is/are applicable to the proposed site and/or project relative to the Wetlands Protection Act:

Position

Note: Jurisdiction of the Wetlands Protection Act may proceed until a final Order of Concurrence (submittal of a Notice of Intent or Abbreviated Notice of Intent) or Order of Rescission (issued following submittal of Simplified Review ANRAD) has been received from the Department of Environmental Protection, Conservation Commission or the Department of Environmental Protection).

☐ 1. The area on the referenced plan(s) is an area subject to protection under the Act. Removal or altering of the area requires the filing of a Notice of Intent.

☐ 2. The boundaries of the following resource areas described on the referenced plan(s) are confirmed. Before, the resource area boundaries confirmed in this Determination are binding and are considered pursuant to the Wetlands Protection Act and its regulations regarding such areas as this Determination is valid.

☐ 3. The resource areas listed below are not confirmed by this Determination, regarding boundaries are contained on the plans attached to this Determination or to the application.

☐ 4. The area on referenced plan(s) and document(s) is within an area subject to protection and will remove, fill, dredge, or alter that area. Therefore, said work requires a Notice of Intent.

☐ 5. The area on referenced plan(s) and document(s) is within the Buffer Zone and will alter protection under the Act. Therefore, said work requires the filing of a Notice of Intent and Simplified Review (if work is limited to the Buffer Zone).

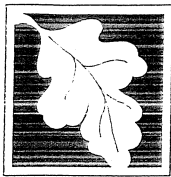
☐ 6. The area described on referenced plan(s) and document(s) is subject to review and is not subject to protection under the Act.

Name

Public municipal wetland ordinance or bylaw:

Name

Ordinance or Bylaw Citation



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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B. Determination (cont.)

- ☐ 6. The following area and/or work, if any, is subject to a municipal ordinance or bylaw but not subject to the Massachusetts Wetlands Protection Act:

- ☐ 7. If a Notice of Intent is filed for the work in the Riverfront Area described on referenced plan(s) and document(s), which includes all or part of the work described in the Request, the applicant must consider the following alternatives. (Refer to the wetland regulations at 10.58(4)c. for more information about the scope of alternatives requirements):

- ☐ Alternatives limited to the lot on which the project is located.
- ☐ Alternatives limited to the lot on which the project is located, the subdivided lots, and any adjacent lots formerly or presently owned by the same owner.
- ☐ Alternatives limited to the original parcel on which the project is located, the subdivided parcels, any adjacent parcels, and any other land which can reasonably be obtained within the municipality.
- ☐ Alternatives extend to any sites which can reasonably be obtained within the appropriate region of the state.

Negative Determination

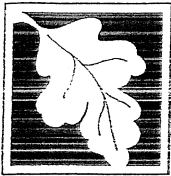
Note: No further action under the Wetlands Protection Act is required by the applicant. However, if the Department is requested to issue a Superseding Determination of Applicability, work may not proceed on this project unless the Department fails to act on such request within 35 days of the date the request is post-marked for certified mail or hand delivered to the Department. Work may then proceed at the owner's risk only upon notice to the Department and to the Conservation Commission.

Requirements for requests for Superseding Determinations are listed at the end of this document.

- ☐ 1. The area described in the Request is not an area subject to protection under the Act or the Buffer Zone.
- ☐ 2. The work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent.
- ☒ 3. The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any).

Compliance with the attached memorandum dated 4/14/14

- ☐ 4. The work described in the Request is not within an Area subject to protection under the Act (including the Buffer Zone). Therefore, said work does not require the filing of a Notice of Intent, unless and until said work alters an Area subject to protection under the Act.



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B. Determination (cont.)

- ☐ 5. The area described in the Request is subject to protection under the Act. Since the work described therein meets the requirements for the following exemption, as specified in the Act and the regulations, no Notice of Intent is required:

Exempt Activity (site applicable statutory/regulatory provisions)

- ☐ 6. The area and/or work described in the Request is not subject to review and approval by:

Name of Municipality

Pursuant to a municipal wetlands ordinance or bylaw.

Name

Ordinance or Bylaw Citation

C. Authorization

This Determination is issued to the applicant and delivered as follows:

☐ by hand delivery on

☒ by certified mail, return receipt requested on

Date

Date

April 21, 2014

This Determination is valid for **three years** from the date of issuance (except Determinations for Vegetation Management Plans which are valid for the duration of the Plan). This Determination does not relieve the applicant from complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.

This Determination must be signed by a majority of the Conservation Commission. A copy must be sent to the appropriate DEP Regional Office (see

Conservation Commission website at <http://www.mass.gov/dep/conservation>) and the property owner (if different from the applicant).

Signatures:

Mary Bennett Carlow

Thomas Chafetz

Thomas Chafetz

Thomas Chafetz

April 17, 2014

Date

TO: Christine Levitre
FROM: Myra Carlow, Chair
Conservation Commission
RE: Site Visit re RDA 4/12/14
DATE: 4/14/14

CC: James Williams,
Bob Clancy

These are my notes of our observations during the recent site visit and my understanding of your plans to have the demolition and disposal performed of the fallen-down barn.

Observations

The barn has fallen down and lies collapsed on the ground behind (north) the residence. The western edge of the barn is approximately 59.6" from the edge of the intermittent stream to the west of the barn.

Planned Work

- All work will be performed to the east and northeast of the barn .
- All equipment used for the disposal and removal work will be on the east and northeast of the barn.
- Silt barrier, preferably hay bales, will be installed on the west side of the barn to prevent debris from entering the intermittent stream.
- The barn will be knocked down.
- Pieces of the barn and associated debris will be deposited in a large dumpster, to the east of the barn.
- The dumpster will be brought to the site from the private road to the north of the work site and driven to the site as the contractor determines is best, assuring that all equipment is to the east of the barn location.
- Once barn and debris are removed, the soil will be smoothed out and planted with seed of the owners choice, as long as it will stabilize the soil and prevent erosion.

If this is your understanding, please add this additional information to the original RDA which we will address at Thursday's meeting. Let me know if you have a different recollection.